REMARKS

Claims 1-18 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Interview Summary

The undersigned attorney and examiner Qamrun discussed the rejections under 35 U.S.C. § 101 and under 35 U.S.C. § 112, first paragraph. No agreement was reached.

II. 35 U.S.C. § 101

The examiner rejects claims 7-12 under 35 U.S.C. § 101 as directed towards non-statutory subject matter. This rejection is respectfully traversed.

The examiner states –

> "Claims 7-12, reciting a computer program product in a computer readable medium, are not limited to tangible storage devices in view of pg. 14, line 31 to pg. *15*, line 4, in the instant specification, which suggests that such a medium may be a carrier wave or transmission medium (intangible). Accordingly, claims 7-12 do not recite tangible manufactures, and are non-statutory subject matter.
> It is suggested that claim 7 be amended to recite "a computer program product in a computer readable **storage** medium."

Office Action of Sept. 09, 2005, pp. 3-4. (Emphasis in the original)

However, the rejection is incorrect in view of new guidelines covering patentability of claims directed to a process in a computer readable medium. The USPTO guidelines for evaluating computer-readable medium encoded with functional descriptive material, such as a computer program, expressly states that a claim to such computer-readable medium when so encoded is statutory subject matter. USPTO, *Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility* (26 Oct. 2005) (hereinafter "The Guideline"). The Guideline provides, in relevant part:

> "[A] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Id., p. 52.

The Guideline further provides:

> Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.
>
> ...
>
> These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. Public comment is sought for further evaluation of this question.

Id., pp. 55-56.

Claim 7 is as follows:

> 7. (Previously Presented): A computer program product in a computer readable medium, for use in a data processing system, for integrating information technology components into a single end-to-end application, comprising:
>
> instructions for decomposing a business process into a set of enabling applications;
>
> instructions for documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process;
>
> instructions for deploying required monitors for the business process enabling technology;
>
> instructions for the development of cross-platform contextual correlation logic and rules;
>
> instructions for mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;
>
> instructions for quantifying, using said mapping, business losses due to particular technical failures; and
>
> instructions for developing an end-to-end business process event management platform.

Claim 7 is directed to a computer program product in a computer readable medium. Furthermore, the computer program product is for use in a data processing system. As the Guideline provides, "a computer readable medium with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized" is

statutory. Because claim 7 recites a computer program product for use in a data processing system, along with the other recited steps, claim 7 does describe a data structure that defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized. Thus, claim 7 is patentable subject mater under 35 U.S.C. § 101, as explained under the Guideline.

In addition, the instant claim does not recite a signal. Rather, the claim recites a "computer readable medium" in which a signal is embedded. Claim 7 claims functional descriptive material encoded on a computer readable medium and does not claim signals encoded with functional descriptive material. For this reason, claim 7 thus falls under allowable statutory matter under 35 U.S.C. § 101. This assertion is fully supported by the specification that provides:

> "Examples of computer readable media include recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and *transmission-type media*, such as digital and analog communication links, *wired or wireless communications links using* transmission forms, such as, for example, radio frequency and light wave transmissions."

Specification, pp. 14-15. (Emphasis added)

The specification and claim 7 are statutory subject matter because the claim is directed towards the *medium*, and not to the radio frequency or the light wave signals that may inherently be *used* in such media technologies. The use of radio frequency or light wave as a method of encoding or recording the computer program on to such medium does not render the medium itself nonstatutory. Even in case of a CD-ROM, a laser form of light wave is used for accomplishing the encoding/recording of the information on to the CD-ROM, yet the CD-ROM remains a well-accepted computer readable medium. Encoding the air or glass fiber medium with radio frequency or light wave similarly cannot render the air or glass fiber medium nonstatutory under § 101.

Thus, based on the MPEP and applicable case law, claim 7 is statutory under 35 U.S.C. § 101. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7 under 35 U.S.C. § 101. By virtue of their dependence from claim 7, the rejection of claims 8-12 should also be withdrawn.

III. 35 U.S.C. § 112, First Paragraph

The examiner objects to the specification under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention in claims 1-18. Additionally, the examiner rejects the claims 1-18 for the same reasons. This rejection is respectfully traversed.

The examiner states,

> "Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
>
> Claims 1, 7 and 13 substantially recite the limitation, "quantifying, using said mapping, business losses due to particular technical failures", however, this limitation does not have sufficient support in the specification. The specification states "It is important to identify the metric used by the business to gauge the economic health of the business process in order to quantify the costs and benefits of implementing a solution." on pg. 11, line 30 to pg. 12, line 1; and further states "Of absolute importance to this step is a metric to allow the quantification of business losses due to particular IT failures." on pg. 12, lines 30-32. These are the only two sentences in the specification that describes quantifying/quantification. However, sufficient support is not provided for this limitation. That is, what is the metric and how is the business losses measured and quantified.
>
> Claims 2-6, 8-12 and 14-18 are rejected for dependency upon rejected base claims 1, 7 and 13 above, respectively."

Office Action of Sept. 09, 2005, pp. 2-3.

Claim 1 is representative of the group of claims 1-18 for purposes of this rejection. Claim 1 is as follows:

> 1. (Previously Presented): A method for integrating information technology components into a single end-to-end application, comprising:
>
> decomposing a business process into a set of enabling applications;
>
> documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process;

> deploying required monitors for the business process enabling technology;
>
> developing cross-platform contextual correlation logic and rules;
>
> mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;
>
> quantifying, using said mapping, business losses due to particular technical failures; and
>
> developing an end-to-end business process event management platform.

The examiner bears the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. *Genentech v. Wellcome Foundation*, 29 F3D 1555, 1562 (Fed. Cir. 1994). In this case, the examiner has failed to establish a reasonable basis to question the enablement provided for the claimed invention. Contrary to the examiner's belief, the feature of "quantifying, using said mapping, business losses due to particular technical failures" is fully supported in the written description of the application.

The test for enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. *In re Buchner*, 929 F.2d 660, 661 (Fed. Cir. 1991). In addition, as long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement is satisfied. *In re Fisher*, 427 F.2d 833, 839 (CCPA 1970).

The specification allows one reasonably skilled in the art to make and use the claimed invention and the specification discloses at least one method for making and using the claimed invention. For example, the specification provides that:

> The present invention provides a method for integrating the many heterogeneous IT components (application, database, server, network) which enable a business process into a single end-to-end management platform. The method comprises decomposing a business process (intra-enterprise, extra-enterprise (i.e. multiple business entities) or both) into a set of enabling applications and then documenting the technology elements and support organizations which are necessary to execute and manage those enabling applications. The required monitors for the business process enabling technology can be deployed which not only monitor the discreet IT components but also the interfaces between them that are imposed by the business process itself. An important, and unique, feature of this method is the ability to

> map technology problems to business problem and the development of cross-platform contextual (business process context) correlation rules. This information is then used to develop an end-to-end business process event management platform (can be used for other systems management processes as well such as Performance Management), which can be integrated into any preexisting event management (systems management) process. In one embodiment of the present invention, the event management platform can be constructed between several business entities.

Specification, page 3, ll. 4-29.

This portion of the specification, which the examiner ignored, states that unique features of the method include the ability to map technology problems to business problems and the development of cross-platform contextual correlation rules. One of ordinary skill knows what these terms mean and knows that many types of methods may be used to quantify business and technology problems, such as through the use databases and rules as described below. Thus, one of ordinary skill could quantify, using said mapping, business losses due to particular failures using the correlation rules.

In addition, the specification provides that:

> *After business decomposition, the next step is technical decomposition (step 402). This involves identifying and documenting all of the technology elements and support organizations which are necessary to execute the enabling applications of a particular business process. As the technology is identified, it is important to have the subject matter experts explain the events, monitors, and management systems that are currently in place. With the business process decomposed into its parts and traced to the relevant IT technology components, a Business System Management (BSM) configuration database can be built (step 403).*
>
> With the BSM database established, monitors for the business process enabling technology can be designed and deployed (step 404). The monitors allow the design team to precisely document the particular IT functions occurring during a specific business process.
>
> *Through proper monitoring, it is then possible to properly map IT severity to business impact severity (step 405).* This mapping helps to present a clearer picture of how IT technical problems relate to business processes and is crucial to integrating the IT infrastructure into a single end-to-end application aimed at optimizing business processes (from an IT perspective). *For example, it is possible that an IT failure may have no discernible effect on a business process. By the same token, a given IT failure may affect one business process*

> *substantially, but not another. Of absolute importance to this step is a metric to allow the quantification of business losses due to particular IT failures.*
>
> Currently, IT components are compartmentalized into isolated towers, as explained above. *When implementing a business process, these IT towers are only aware of their own particular performance, without any knowledge of how that performance interacts with other IT towers and, ultimately, the business process. For example, the support team for a mainframe computer within the network may be able to show that the mainframe was up and operational 98% of a specified time period. However, this, in and of itself, reveals nothing concerning impact on the business process supported by the mainframe.*
>
> *As a further example, if each isolated tower is functioning within acceptable parameters and only one is operating near the margin of its performance tolerance, there might be no effect upon the business process. However, if several of the towers are at the margin of their respective tolerances, the aggregate effect could disrupt the business process as a whole, even though each tower is working within its own "acceptable" range. Properly mapping the IT severity to the business impact severity presents a much clearer picture of how disparate IT performance parameters interact and affect the overall business process.*
>
> *It is now possible to develop correlation logic and rules within a business context (step 406), which will enable the formulation of a business process view that integrates technical and business concerns into a unified conceptual structure (step 407).* From here, an integrated end-to-end event management platform can be developed for the business process (**step 408**). In essence, this event management platform is a "super" application custom fitted to a specific business process and is constructed using several smaller, disparate applications, and their associated IT elements.

Specification, p. 12, l. 3 through p. 14, l. 1. (Emphasis added).

As a whole, the quote section of the specification clearly enables the claimed feature of "quantifying, using said mapping, business losses due to particular technical failures." The specification states that, "*Through proper monitoring, it is then possible to properly map IT severity to business impact severity (step 405).*" Specification, p. 12, ll. 19-21. The monitors are built using the business system management database. Specification, p. 12, ll. 14-16. In turn, the BSM database is built from the decomposed business process and IT components. Specification, p.12, ll. 4-14. One of ordinary skill in this art can easily interpret these paragraphs to make and use the claimed invention without undue experimentation.

In addition, the quoted text provides at least one example of making and using the claimed invention. The example regarding IT towers and a business process on page 13, ll. 1-23 (quoted above) clearly illustrates the claimed step.

Nevertheless, the examiner still asserts that the specification and claims do not meet the requirements of 35 U.S.C. § 112, first paragraph. However, the examiner only quotes limited sections of the specification when attempting to support the rejection. The examiner ignores the surrounding text, quoted above, that supports the claimed language and the language described in the quoted sections.

The examiner appears to assert that the claimed step is not supported by the specification because the specification does not state "what is the metric" as recited in the specification and the specification does not state "how is the business losses measured and quantified" in the specification. The examiner quotes the specification at p. 11, l. 30 through p. 12, l. 1 and p. 12, ll. 30-32 for these assertions.

Regarding the term "metric," this term does not appear in the claims. In view of the fact that the enablement requirement of 35 U.S.C. § 112, first paragraph, is separate and distinct from the description requirement (*Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 155, 1563 (Fed. Cir. 1991)), the examiner must be addressing the objection to the specification in this portion of the rejection. The term "metric" is interpreted in the light of the previous disclosure regarding decomposition of business processes and IT components into a database and in the further light regarding construction of correlation rules as described above and as claimed in claim 1. The metric to allow the quantification of business losses due to particular IT failures is built upon the information in the database and upon the correlation rules. Anyone of ordinary skill can understand how this can be accomplished without undue experimentation. An exact description of how the database and the correlation rules operate is not necessary because of one ordinary skill can create the metric based on the previous disclosures. See, for example, *Buchner* at 661 (Furthermore, a patent need not teach, and *preferably omits* what is well known in the art) (Emphasis added). Because the reference to a metric is clearly supported by the surrounding description in the specification, the examiner does not have a reasonable basis to object to the specification in this regard. For this reason, this portion of the rejection should be withdrawn.

Regarding the claimed step "quantifying, using said mapping, business losses due to particular technical failures," the examiner asserts that the provision of how business losses are measured and quantified is not enabled by the specification. However, as shown above, the specification clearly provides how business losses are measured and quantified. The process of business and technical decomposition, as provided in the specification at p. 12, ll. 2-13 describes how business losses are quantified. Monitors, as provided in the specification at p. 12, l. 14-19, describes how business losses are measured. Both of these portions of the specification are quoted above. Because the specification directly contradicts the examiner's assertions, the examiner does not have a reasonable basis to assert that the claims are not enabled under 35 U.S.C. § 112, first paragraph. Accordingly, this portion of the rejection should also be withdrawn.

For the above reasons, the specification lends proper support for the feature "quantifying, using said mapping, business losses due to particular technical failures" of claim 1 as required under 35 U.S.C. § 112, first paragraph. Thus, the rejection of the claims under 35 U.S.C. § 112, first paragraph is without foundation. Similarly, the objection to the specification under 35 U.S.C. § 112, first paragraph is without foundation. Therefore, the examiner's rejection of claim 1 under 35 U.S.C. § 112, first paragraph, has been overcome.

Claims 7 and 13 are rejected on the same basis as claim 1. For the reasons provided above, the rejection under § 112, first paragraph, is also overcome for independent claims 7 and 13. Similarly, the rejection under § 112, first paragraph, against claims 2-6, 8-12, and claims 14-18 is also overcome by virtue of their dependence from claims 1, 7, and 13. Therefore, the Applicants have overcome the rejection of claims 1-18 under § 112, first paragraph.

IV. 35 U.S.C. § 102(e), Asserted Anticipation

The examiner rejects claims 1-18 as anticipated by *Cox* et al., Adaptive Feedback Control in E-Service Management, U.S. Patent No. 6,856,983 (February 15, 2005) (hereinafter, "*Cox*"). This rejection is respectfully traversed.

IV. A Claim 1

The examiner states,

> The *Cox* patent discloses:
> - decomposing a business process into a set of enabling applications (column 4, lines 3-12 and lines 26-44)
> - documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process (column 4, lines 13-25)
> - deploying required monitors for the business process enabling technology (column 4, lines 65-67)
> - developing cross-platform contextual correlation logic and rules (column 5, lines 3-12)
> - mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process; quantifying, using said mapping, business losses due to particular technical failures; and developing an end-to-end business process event management platform (column 5, lines 36-51).

Office Action of September 09, 2005, pp. 4-5.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). The reference does not identically show each and every feature, arranged as they are in the present claim 1.

For ease of reference, claim 1 is reproduced again below:

> 1. (Previously Presented): A method for integrating information technology components into a single end-to-end application, comprising:
> decomposing a business process into a set of enabling applications;
> documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process;
> deploying required monitors for the business process enabling technology;

> developing cross-platform contextual correlation logic and rules;
>
> mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;
>
> quantifying, using said mapping, business losses due to particular technical failures; and
>
> developing an end-to-end business process event management platform.

In particular, the examiner cites the following portion of *Cox* for the assertion that *Cox* shows the claimed feature of "documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process:"

> In FIG. 1, there is a cluster, 110, of local management systems. Each of the local service management systems may be responsible for the management of an infrastructure component in 115. For example, local service management system 110b may be used to monitor the performance of a database for shoes.com. The performance information about the components of an eService infrastructure may be sent through dispatcher 130 and stored in the global data repository from where a global eService management system 150 may integrate the information from local service management systems 110 to assess the overall performance of the eService. In FIG. 1, dispatcher 130 may represent a collective that may comprises one or more dispatchers.

Cox, col. 4, l. 13-25.

However, this portion of the cited reference does not teach or suggest that the *support organizations* should be documented along with the technology elements. In fact, the cited text as a whole and the reference as a whole do not suggest the documenting of support organizational data. Instead, the reference focuses only on the technological systems in the decomposition of a business process. For this reason alone, *Cox* fails to teach each and every feature of claim 1.

Furthermore, *Cox* also fails to show additional features of claim 1, namely, "developing cross-platform contextual correlation logic and rules." For support, the examiner cites the following portion of *Cox*:

> Each BeX in a local service management system may be attached to an infrastructure component and is designed to monitor the behavior of the component. A BeX may access the observation data from the data

> providers and analyze the behavior of an infrastructure component based on such data. *Each BeX reports any detected abnormal behavior of individual components, in the form of events, to a blackboard server located in the service manager so that its findings may be shared among different BeXs. The Service manager routes events from various BeXs to a local ecology pattern detector where all the events are considered as a whole in order to detect abnormal behavior of the local system. Detected ecological pattern events may be reported, together with some of the individual events that have high priorities, to dispatcher 130.*

Cox, col. 4, l. 65 through col. 5, l. 12. (Emphasis to show portions cited by the examiner.)

The cited text fails to teach the cross-platform nature of the contextual correlation logic and rules as claimed. Likewise, the rest of *Cox* does not teach this claimed feature. Therefore, the reference again fails to identically show each and every feature of the claim.

For the reasons described above, every element of claim 1 is not identically shown in the *Cox* reference, arranged as they are in the claim. Therefore, the *Cox* reference does not anticipate claim 1.

IV.B Claim 2

Because claim 2 depends from claim 1, *Cox* also does not anticipate claim 2 for the reasons presented above. In addition, the examiner states that:

> The Cox patent discloses:
> .wherein the step of decomposing the business process further comprises developing an application model which describes the interactions, interdependencies and interfaces of all the business process enabling applications (column 4, lines 26-44).

Office Action of September 09, 2005, p. 5. The quoted portion of *Cox* is as follows:

> The quality of an eService depends on various factors. Such factors are related to both the performance of individual infrastructure components and how the business process of the eService takes place within the infrastructure. Different components may impact the quality of eService differently, depending on the role of the component with respect to the business process. Therefore, the strategy to manage the infrastructure that supports an eService is directly related to or dictated by the business process model of the eService. In FIG. 1, business process model 120 is derived from eService 105. It dictates both how the infrastructure components should be managed by local service management systems 110 and how global eService management

> system integrates the information from systems 110 to assess the overall performance of infrastructure 115. The knowledge about business process model 120 may be distributed in local service management systems 110a, 110b, . . . , 110c.

Cox, col. 4, ll. 26-44.

The cited text and the reference as a whole fail to disclose *an application model* as claimed. The reference teaches modeling the eService from a business process point of view. Such a model is not the same as an application model that shows the various technology applications and their inter-connections. *Cox* makes this distinction clear by emphasizing, "[the business process model] dictates both how the infrastructure components *should be managed* by local service management systems 110 and how global eService management system *integrates the information* from systems 110 to assess the overall performance of infrastructure 115." *Id.*, col. 4, ll. 37-40.

Cox's model is concerned with suggesting a desirable way of managing the infrastructure components using the model's monitors based on the business process model, and integration of information from these monitors. The application model as claimed, on the other hand, is concerned with describing the interactions, interdependencies, and interfaces of the business process enabling applications. The nature of features taught by the reference and the features claimed are distinct from each other, and the teachings of *Cox* do not read on the claimed features.

Further, the business process model in *Cox* does not teach the "*interactions, interdependencies,* and the *interfaces* of the enabling applications." A component of the business process model can simply be a conceptual, human or procedural step, and need not necessarily employ unlike a component of an application as an application model. Thus, a component of a business process model need not necessarily employ an application and therefore need not have any application interactions, interdependencies, and interfaces that must be defined. The reference points out the existence of API (Application Program Interface) only in the context of the Global eService Management System. The pertinent section in *Cox* states:

> The performance information gathered from different local service management systems and routed through the dispatcher and stored in global data repository 770 is accessed by global eService management system 150. It comprises a global ecology controller, an eService

manager, a design studio, a notifier, and a port for external APIs.

Cox, col. 5, ll. 30-36.

The cited text does not identify the claimed feature of "interfaces of the enabling applications" because *Cox's* global eService management system itself is not a business process enabling application. For example, *Cox* provides that:

> "Therefore, the strategy to manage the infrastructure that supports an eService is directly related to or dictated by the business process model of the eService. In FIG. 1, business process model 120 is derived from eService 105. It dictates both how the infrastructure components should be managed by local service management systems 110 and how global eService management system integrates the information from systems 110 to assess the overall performance of infrastructure 115."

Cox, col. 4, ll. 32-41.

The global eService management system is not an enabling application and therefore the global eService management API is not an interface to an enabling application. The global eService management system integrates and assesses the performance information from various local service management systems, which are themselves only akin monitors to the enabling applications. Thus, *Cox's* global eService management system is several degrees removed from the enabling applications. Moreover, the APIs extend only to the local service management systems and not to the enabling applications themselves. Therefore, *Cox's* business process model does not also teach or suggest the application model, interfaces, interdependencies, and the interfaces of the enabling applications as claimed. Therefore, *Cox* does not anticipate claim 2.

IV.C Claim 3

Because claim 3 depends from claim 1, *Cox* does not anticipate claim 3 for the reasons presented above. Further, *Cox* does not anticipate claim 3 for additional reasons as follows. The examiner states:

> The Cox patent discloses:
> further comprising building a business system management configuration database (column *5*, lines 30-35).

Office Action of September 09, 2005, p. 6.

The cited section of Cox provides:

> The performance information gathered from different local service management systems and routed through the dispatcher and stored in global data repository 770 is accessed by global eService management system 150. It comprises a global ecology controller, an eService manager, a design studio, a notifier, and a port for external APIs.

Cox, col. 5, ll. 30-35.

Cox fails to disclose the *business systems management configuration database* as claimed. In the cited section, and elsewhere, *Cox* only teaches a database of performance information collected from different local service management systems. All databases are not equal. The contents and the organization of contents within each database's structure differentiate databases from one another in their characteristics, behavior, and use. In the present case, the database claimed by the Applicants is no more similar to the database described by the *Cox* reference, than a database of a grocery store's inventory is similar to a database of classified national security information. For this reason, *Cox* does not show the features of claim 3.

Even if one assumes that the performance information database of the reference is somehow similar to the business systems management configuration database, performance information is only an optional supplementary subset of information pertaining to a systems management configuration. A person of ordinary skill in the art would not expect a database of performance information to contain other numerous parameters and corresponding functions that describe the various management aspects of a typical systems configuration.

Therefore, contrary to the examiner's belief, *Cox's* performance information database does not teach or suggest the business systems management configuration database as claimed by Applicants. Accordingly, *Cox* does not anticipate the invention of claim 3.

IV.D Remaining Claims

The remaining claims, 4-18 contain similar features to those presented vis-à-vis claim 1 and/or contain similar features presented vis-à-vis claim 2 and claim 3. Therefore, for the reasons presented above, *Cox* does not anticipate these claims. Accordingly, the rejection of claims 1-18 under 35 U.S.C. § 102 has been overcome.

V. Conclusion

It is respectfully urged that the subject application is patentable over *Cox* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 12/9/05

Respectfully submitted,

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